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IN THE

Supreme Court of the United States

OCTOBER TERM, 1961

No. 588

[illegible]

Petitioner

vs.

[illegible] RAILWAY COMPANY

Respondent

On Petition For Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE AND BRIEF OF THE RAILWAY LABOR EXECUTIVES' ASSOCIATION AS AMICUS CURIAE

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Dated at Toledo, Ohio, this
8th day of March, 1965

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 588

C. E. RUSS,

Petitioner,

vs.

SOUTHERN RAILWAY COMPANY,

Respondent.

On Petition For Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF PETITION FOR REHEARING OF ORDER

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Dated at Toledo, Ohio, this
4th day of March, 1965.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 588

C. E. RUSS,

Petitioner,

vs.

SOUTHERN RAILWAY COMPANY,

Respondent.

On Petition For Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF PETITION FOR REHEARING OF ORDER

The Railway Labor Executives' Association respectfully moves the Court for leave to file a brief as *amicus curiae* in the above entitled action, in support of the petition for rehearing of the order entered on January 25, 1965, denying a writ of certiorari. Consent to the filing of such brief has been requested from the parties hereto and has been refused by the respondent.

The Railway Labor Executives' Association is a voluntary unincorporated association, with which are affiliated the following standard national and international railway labor organizations:

American Railway Supervisors' Association
American Train Dispatchers' Association

Brotherhood of Locomotive Firemen and Enginemen
Brotherhood of Maintenance of Way Employes
Brotherhood Railway Carmen of America
Brotherhood of Railroad Signalmen of America
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
Brotherhood of Railroad Trainmen
Brotherhood of Sleeping Car Porters
Hotel & Restaurant Employees and Bartenders International Union
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
International Brotherhood of Electrical Workers
International Brotherhood of Firemen & Oilers, Helpers, Roundhouse & Railway Shop Laborers
International Organization Masters, Mates & Pilots of America
National Marine Engineers' Beneficial Association
Order of Railway Conductors and Brakemen
Order of Railroad Telegraphers
Railway Employes' Department, AFL-CIO
Railroad Yardmasters of America
Seafarers' International Union of North America
Sheet Metal Workers' International Association
Switchmen's Union of North America

The principal office of said association is located at 400 First Street, N.W., Washington, D.C.

The foregoing organizations affiliated with the Railway Labor Executives' Association represent, for purposes of collective bargaining under the Railway Labor Act, the bulk of the nation's rail employees. Each of said affiliated organizations is a party to collective bargaining agreements between it and most of the railroads in the United States, governing the rates of pay, rules and working conditions of said employees. Said organizations are under a statutory duty to exert every reasonable effort to make and maintain such agreements and to settle all disputes with respect to their interpretation or application. It is their further func-

tion under the statute to provide for the selection and compensation of the labor members of the National Railroad Adjustment Board, the administrative tribunal created by the Act for final determination of disputes over the interpretation and application of such agreements which cannot be settled on the property of the carrier or carriers involved.

The fairness and effectiveness of the statutory procedures for the settlement of such disputes is thus of direct and vital concern to these organizations. The issues in this case place squarely at stake the ability of these organizations to continue to fulfill their aforementioned statutory duties, through utilization of the procedures for settlement of disputes and grievances which were established by the Railway Labor Act in an effort to obviate the constant industrial strife which prevailed when the only alternatives for resolving such matters were economic warfare or vexatious and prohibitive litigation. The decision of the court below, subjecting railroad employees to the vicissitudes of completely re-litigating claims upon which they have prevailed before the Board, represents a complete frustration of the Congressional aim of expeditious settlement of railroad labor disputes through their submission to specialized administrative tribunals, with a minimum of intervention by the courts.

While the petitioner has capably presented compelling grounds in support of rehearing and determination by this Court of these vital issues, we believe that their far-reaching importance to the future of railroad labor relations justifies the independent presentation of the views of an organization which may fairly be said to represent railroad labor as a whole.

Respectfully submitted,

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Dated at Toledo, Ohio, this
4th day of March, 1965.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 588

C. E. RUSS,

Petitioner,

vs.

SOUTHERN RAILWAY COMPANY,

Respondent.

On Petition For Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

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BRIEF OF RAILWAY LABOR EXECUTIVES' ASSOCIATION AS AMICUS CURIAE IN SUPPORT OF PETITION FOR REHEARING OF ORDER

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4th day of March, 1965.